

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**OFFICIAL COMMITTEE OF RETIREES' EX PARTE MOTION
TO SET AN EXPEDITED HEARING DATE ON ITS
EMERGENCY MOTION FOR LEAVE TO CONDUCT LIMITED DISCOVERY
AFTER THE COURT'S APRIL 11 DISCOVERY DEADLINE**

The Official Committee of Retirees of the City of Detroit, Michigan ("Retirees") hereby respectfully requests that the Court schedule an expedited hearing on its Emergency Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline as early as possible.

In support of its request, the Retirees state the following:

1. On this date, contemporaneous with this filing, Retirees have filed a Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline (the "Motion for Leave").

2. Although addressed more fully in the Motion for Leave, Retirees seek leave to serve three limited, additional document requests on Debtor City of Detroit (the "City") concerning reports that the City has reached settlements with the Retirements Systems—settlements which appear to have been reached after the discovery cut-off. (See, e.g., Chard Livengood, *Detroit's changing numbers in bankruptcy deal to face scrutiny*, The Detroit News,

April 17, 2014;¹ Joe Guillen, *Detroit pension board endorses deal to cut benefits, eliminate COLA*, Detroit Free Press, April 16, 2014.²).

3. If such settlements have been reached, their terms would substantially impact the City's plan of adjustment generally and its treatment of the City's retirees specifically.

4. The terms of these settlements are not included in the City's original or amended plans of adjustment, nor in the City's original or amended disclosure statements. The City has not responded to the Retirees' requests for information on the settlements.

5. The City's retirees will soon be asked to vote on the City's proposed Plan and to thereby accept meaningful cuts to their pensions. They have the right to understand the full terms of the City's Plan, including the details of any settlements with the Retirement Systems.

6. If the City has negotiated deals to release the Retirement Systems from potential liability, then the City's creditors have a right to understand the nature and scope of those releases and settlements.

7. Disclosure of the terms of these settlements is also necessary to evaluate the fairness of the proposed Plan.

8. Per the Court's Third Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment, the last day to serve written discovery regarding plan confirmation was April 11, 2014. The settlements were not reported until the week after the discovery cut-off. Thus, it was impossible to propound such requests before the deadline.

¹ Available at <http://www.detroitnews.com/article/20140417/METRO01/304170040/Detroit-s-changing-numbers-bankruptcy-deal-face-scrutiny> .

² Available at <http://www.freep.com/article/20140416/NEWS01/304160130/Detroit-pension-board-general-cut> .

9. Given the limited and pressing schedule remaining before the City's retirees will be asked to vote on the City's proposed Plan, it is vital that Retirees have access to this information as early as possible so as to have time to fully and fairly evaluate the impact of the proposed Plan on the City's retirees, as well as the fairness of the proposed Plan generally.

WHEREFORE, the Retirees respectfully move the Court to schedule a hearing of the Emergency Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline as early as possible.

Dated: April 17, 2014

Respectfully submitted,

By: /s/ Carole Neville

Claude Montgomery
Carole Neville
DENTONS US LLP
1221 Avenue of the Americas
New York, New York 10020
Tel: (212) 768-6700
Fax: (212) 768-6800
claude.montgomery@dentons.com
carole.neville@dentons.com

Sam Alberts
Dan Barnowski
DENTONS US LLP
1301 K Street, NW, Suite 600 East Tower
Washington, DC 20005
Tel: (202) 408-6400
Fax: (202) 408-6399
sam.alberts@dentons.com
dan.barnowski@dentons.com

BROOKS WILKINS SHARKEY & TURCO PLLC

Matthew E. Wilkins
401 South Old Woodward, Suite 400
Birmingham, Michigan 48009
Direct: (248) 971-1711
Fax: (248) 971-1801
wilkins@bwst-law.com

Attorneys for the Official Committee of Retirees of the City of Detroit, Michigan

Summary of Attachments

Pursuant to Local Rule 9014-1(b), please note the following documents are attached to this Motion:

- Exhibit 1: Proposed Form of Order
- Exhibit 2: None [This Motion seeks ex parte relief.]
- Exhibit 3: None [No brief required.]
- Exhibit 4: Certificate of Service
- Exhibit 5: None [No affidavits filed in support of this Motion.]
- Exhibit 6: None [No documentary exhibits filed in support of this Motion.]

Exhibit 1: Proposed Form of Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

ORDER

Having duly considered the Official Committee of Retirees' Ex Parte Motion to Set an Expedited Hearing Date on Its Emergency Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline (the "Motion") and being fully advised in its premises,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. A hearing of the Official Committee of Retirees' Emergency Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline is hereby set for _____, 2014.

Exhibit 2: None [This Motion seeks ex parte relief.]

Exhibit 3: None [No brief required.]

Exhibit 4: Certificate of Service

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----X	:	
In re	:	
	:	
	:	Chapter 9
CITY OF DETROIT, MICHIGAN,	:	
	:	
Debtor.	:	Case No. 13-53846
	:	
	:	Hon. Stephen W. Rhodes
-----X		

CERTIFICATE OF SERVICE

I, Carole Neville, hereby certify that the Official Committee of Retirees' Ex Parte Motion to Set an Expedited Hearing Date on Its Emergency Motion for Leave to Pursue Limited Discovery After the Court's April 11 Discovery Deadline was filed and served via the Court's electronic case filing and noticing system on April 17, 2014.

By: /s/ Carole Neville

Claude Montgomery
Carole Neville
DENTONS US LLP
1221 Avenue of the Americas
New York, New York 10020
Tel: (212) 768-6700
Fax: (212) 768-6800
claude.montgomery@dentons.com
carole.neville@dentons.com

Sam Alberts
Dan Barnowski
DENTONS US LLP
1301 K Street, NW, Suite 600 East Tower
Washington, DC 20005
Tel: (202) 408-6400
Fax: (202) 408-6399
sam.alberts@dentons.com

BROOKS WILKINS SHARKEY & TURCO PLLC
Matthew E. Wilkins
401 South Old Woodward, Suite 400
Birmingham, Michigan 48009
Direct: (248) 971-1711
Fax: (248) 971-1801

wilkins@bwst-law.com

Attorneys for the Official Committee of Retirees of the City of Detroit, Michigan

Exhibit 5: None [No affidavits filed in support of this Motion.]

Exhibit 6: None [No documentary exhibits filed in support of this Motion.]